



Testimony by R. Thomas Clark, Assistant Counsel
Board of Regents for Higher Education
Before the Higher Education and Employment
Advancement Committee
February 26, 2015

Senators Bartolomeo and Witkos, Representatives Willis and Betts, and members of the Higher Education and Employment Advancement Committee, thank you for the opportunity to submit comments on **SB 636, *An Act Concerning Affirmative Consent***.

For the record my name is Tom Clark and I am Assistant Counsel for the Board of Regents for Higher Education, serving 17 public institutions of higher education in this state. In my official capacity I have responsibilities related to implementation, reporting, and training around both state and federal requirements, as well as Board policies pertaining to student conduct, including sexual misconduct.

The Board of Regents currently has a detailed policy on sexual misconduct that applies to all of our institutions, and that emphasizes that sex and all forms of sexual intimacy are the products of informed, affirmative choice. This policy states: *Sexual intimacy is permissible only if it is agreed to by all participants and all activity is affirmatively consensual at all times.*

The Board policy further states: **Consent** *is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent cannot be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent). The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.*

These policies, like PA14-11, apply to students, faculty, and staff alike.

Through discussions with proponents of this legislation, we believe that these policies are substantially aligned with the purpose of the legislation. The Board supports this legislative concept, and we look forward to the opportunity to partner with the legislature on more detailed language related to this proposal as the session moves forward.

If you have any questions on the content of my testimony, please contact Kyle Thomas, Legislative Program Manager, at 860-723-0017, or thomask@ct.edu.

Thank you.